

APPEAL NO. 020699
FILED MAY 15, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on February 25, 2002. With respect to the issues before her, the hearing officer determined that the appellant's (claimant herein) compensable injury of _____, did not include an injury to the claimant's left knee, osteoarthritis, and altered gait and that the claimant's compensable injury of _____, does include an injury to the claimant's left knee, osteoarthritis, and altered gait. The claimant appeals, contending that the hearing officer's decision is contrary to the evidence. The claimant contends that the evidence established that the claimant's _____, injury did include an injury to her left knee, osteoarthritis, and altered gait. The respondent (self-insured herein) replies that there is sufficient evidence to support the decision of the hearing officer. The self-insured argues that the claimant's _____, compensable injury was a contusion to her leg.

DECISION

Finding sufficient evidence to support the decision of the hearing officer and no reversible error in the record, we affirm the decision and order of the hearing officer.

The claimant testified that she had worked for the self-insured since 1985. The claimant further testified that on _____, while installing tailgates, she was struck by a tailgate on the left shin. It was undisputed that on _____, the claimant was riding on podium shooting screws when her left foot went through a hole in the podium tearing her Achilles tendon and twisting her left leg. There was conflicting evidence as to whether the claimant's left knee problems, osteoarthritis, and altered gait were a result of her _____, or her _____, injury, including a report from Dr. D, an independent medical examiner, who was chosen by the Texas Workers' Compensation Commission to opine on this issue and who related these conditions to the claimant's _____, injury.

We have held that the question of extent of injury is a question of fact for the hearing officer. Texas Workers' Compensation Commission Appeal No. 93613, decided August 24, 1993. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's resolution of the extent of the claimant's injury is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**C. T. CORPORATION SYSTEMS
350 N. ST. PAUL
DALLAS, TEXAS 75201.**

Gary L. Kilgore
Appeals Judge

CONCUR:

Philip F. O'Neill
Appeals Judge

Roy L. Warren
Appeals Judge